

SECOND REGULAR SESSION

# HOUSE BILL NO. 1621

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CLAYTON, RICHARDSON,  
CARNAHAN AND HILGEMANN (Co-sponsors).

Read 1<sup>st</sup> time January 24, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4018L.011

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### AN ACT

To amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 477 and 488, RSMo, are amended by adding thereto two new sections, to be known as sections 477.650 and 488.031, to read as follows:

**477.650. 1. There is hereby established a "Basic Civil Legal Services Fund" to be administered by, or under the direction of, the Missouri supreme court. All moneys collected pursuant to section 488.031, RSMo, shall be credited to the fund. In addition to the court filing surcharges, funds from other public or private sources also may be deposited into the fund and all earnings of the fund shall be credited to the fund. Fund moneys shall not be considered to be state funds or subject to appropriation. The purpose of this section is to increase the funding available for basic civil legal services to eligible low- income persons as such persons are defined by the Federal Legal Services' Corporation Income Eligibility Guidelines.**

**2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in Missouri which qualify for federal Legal Services Corporation funding. The funds so distributed shall be used by legal services organizations in Missouri solely to provide legal services to eligible low-income persons as such persons are defined by the federal Legal Services' Corporation Income Eligibility Guidelines. Funds shall be allocated to the programs according to the funding formula employed by the Legal Services Corporation**

19 for the distribution of funds to Missouri. Notwithstanding the provisions of section 33.080,  
20 RSMo, any balance remaining in the basic civil legal services fund at the end of any year  
21 shall not be transferred to the state's general revenue. Moneys in the basic civil legal  
22 services fund shall not be used to pay any portion of a refund mandated by article X,  
23 section 18 of the Missouri Constitution.

24 3. The Missouri supreme court, or a person or organization designated by the  
25 court, is the administrator and shall administer the fund in such manner as determined by  
26 the Missouri supreme court, including in accordance with any rules and policies adopted  
27 by the Missouri supreme court for such purpose.

28 4. Each recipient of funds from the basic civil legal services fund shall maintain  
29 appropriate records accounting for the receipt and expenditure of all funds distributed and  
30 received pursuant to this section. These records must be maintained for a period of five  
31 years from the close of the fiscal year in which such funds are distributed or received or  
32 until audited, whichever is sooner. All funds distributed or received under this section are  
33 subject to audit by the Missouri supreme court or the state auditor.

488.031. 1. In addition to other fees authorized by law, the clerk of each court shall  
2 collect the following fees on the filing of any civil or criminal action or proceeding,  
3 including an appeal:

4 Supreme court and courts of appeals .....	\$20.00;
5 Circuit courts .....	\$20.00;
6 Associate circuit courts .....	\$10.00;
7 Small claims courts .....	no additional fee.

8 2. Court filing surcharges under this section shall be collected in the same manner  
9 as other fees, fines, or costs in the case. The amounts so collected shall be paid by the clerk  
10 to the office of the state court administrator and credited to the special fund designated as  
11 the basic civil legal services fund. However, the additional fees prescribed by this section  
12 shall not be collected when a criminal proceeding or defendant has been dismissed by the  
13 court or when costs are waived or are to be paid by the state, county, municipality, or other  
14 political subdivision of the state.